



## UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

Lundbeck Research USA, INC  
Attention: Stephen Kalinchak,  
Legal  
215 College Road  
Paramus, NJ

MAILED

APR 04 2011

OFFICE OF PETITIONS

In re Application of :  
Heidi Lopez de Diego et al. : WITHDRAWAL OF PTA  
Application No. 10/568,572 : DECISION MAILED  
Filed: August 14, 2006 : FEBRUARY 24, 2011  
Patent No. 7,767,683 : AFTER CIVIL  
Atty Docket No. : ACTION FILED  
453-US-PCT : :

This decision hereby **WITHDRAWS** the decision mailed on February 24, 2011 granting patentee a Patent Term Adjustment (PTA) of 112 days.

On October 1, 2010, patentee filed an application for Patent term adjustment under 37 CFR 1.705(d) requesting 155 days. On January 28, 2011 patentee filed a civil action in the District Court of the District of Columbia pursuant to 35 USC 154(b)(4)(A) requesting that patentee's PTA be adjusted to 290 days. On February 24, 2011 the petition attorney unaware of the filing of the civil action mailed a decision in response to the 37 CFR 1.705(d) petition.

Because the decision was mailed after the date of the filing of the civil action, the Office hereby withdraws the decision. The Office will not act upon any petition filed under 37 CFR 1.705(d) once civil action has been filed until such time the District Court for the District of Columbia remands the civil action back to the jurisdiction of the USPTO to address the remand order.

Accordingly, the Office hereby takes the following actions:

1. Decision mailed February 24, 2011 is withdrawn;
2. PTA calculation displayed in PAIR is readjusted to 96 days as issued.
3. Certificate of correction changing the amount of PTA to 112 as decided in the decision will not be issued.

Telephone inquiries specific to this matter should be directed to Kery A. Fries at (571) 272-7757.

/Kery Fries/

Kery Fries  
Senior Legal Advisor  
Office of Patent Legal Administration  
Office of Deputy Commissioner  
For Patent Examination Policy  
Enclosure: Copy of adjusted PALM calculation

Cc: Adjusted PTA calculation

Day : Friday  
 Date: 4/1/2011  
 Time: 09:58:36

# PALM INTRANET

## PTA Calculations for Application: 10/568572

Application Filing Date:	08/14/2006	PTO Delay (PTO):	356
Issue Date of Patent:	08/03/2010	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	260
Post-Issue Petitions:	0	Total PTA (days):	96
PTO Delay Adjustment:	0		

### File Contents History

Number	Date	Contents Description	PTO	APPL	START
96	04/01/2011	ADJUSTMENT OF PTA CALCULATION BY PTO		16	
92	02/23/2011	RECORD A PETITION DECISION OF GRANTED FOR PATENT TERM ADJUSTMENT AFTER ISSUE			
91	02/22/2011	ADJUSTMENT OF PTA CALCULATION BY PTO	16		
83.5	02/15/2010	PTA 36 MONTHS	144		
83	08/03/2010	PATENT ISSUE DATE USED IN PTA CALCULATION			
82	07/02/2010	EXPORT TO FINAL DATA CAPTURE			
81	07/01/2010	DISPATCH TO FDC			
80	06/22/2010	MISCELLANEOUS INCOMING LETTER		43	73
79	06/24/2010	APPLICATION IS CONSIDERED READY FOR ISSUE			
78	06/22/2010	ISSUE FEE PAYMENT VERIFIED			
77	06/22/2010	ISSUE FEE PAYMENT RECEIVED			
76	06/21/2010	EMAIL NOTIFICATION			
75	06/21/2010	EMAIL NOTIFICATION			
74	06/21/2010	FILING RECEIPT - CORRECTED			
73	06/21/2010	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
72	06/16/2010	RESPONSE TO AMENDMENT UNDER RULE 312			
71	06/02/2010	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		20	73
69	06/02/2010	RULE 47 / 48 CORRECTION OF INVENTORSHIP PAPERS FILED			
67	06/11/2010	PUBS CASE REMAND TO TC			
66	06/02/2010	MISCELLANEOUS INCOMING LETTER		20	
65	06/02/2010	SUPPLEMENTAL PAPERS - OATH OR DECLARATION		0	
64	05/27/2010	EMAIL NOTIFICATION			

63	05/27/2010	FILING RECEIPT - CORRECTED				
62	05/21/2010	FINISHED INITIAL DATA CAPTURE				
61	03/29/2010	EXPORT TO INITIAL DATA CAPTURE				
60	03/22/2010	MAIL NOTICE OF ALLOWANCE				
59	03/17/2010	DOCUMENT VERIFICATION				
58	03/17/2010	ISSUE REVISION COMPLETED				
57	03/17/2010	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED				
56	03/15/2010	ALLOWABILITY NOTICE				
55	02/16/2010	INFORMATION DISCLOSURE STATEMENT CONSIDERED				
54	02/26/2010	FILING RECEIPT - CORRECTED				
53	02/16/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	49	
52	02/16/2010	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED				
51	02/20/2010	DATE FORWARDED TO EXAMINER				
50	02/16/2010	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE				
48	02/20/2010	DISPOSAL FOR A RCE / CPA / R129				
47	02/16/2010	REQUEST FOR EXTENSION OF TIME - GRANTED				
46	02/16/2010	INFORMATION DISCLOSURE STATEMENT (IDS) FILED				
45	02/16/2010	WORKFLOW - REQUEST FOR RCE - BEGIN				
44	10/22/2009	FILING RECEIPT - CORRECTED				
43	07/16/2009	NOTICE OF APPEAL FILED		85	41	
42	07/16/2009	REQUEST FOR EXTENSION OF TIME - GRANTED				
41	01/22/2009	MAIL FINAL REJECTION (PTOL - 326)				
40	01/21/2009	FINAL REJECTION				
39	11/17/2008	DATE FORWARDED TO EXAMINER				
38	11/13/2008	RESPONSE AFTER NON-FINAL ACTION		92	36	
37	11/13/2008	REQUEST FOR EXTENSION OF TIME - GRANTED				
36	05/13/2008	MAIL NON-FINAL REJECTION	212		8	
35	05/12/2008	NON-FINAL REJECTION				
34	01/31/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED				
33	02/21/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED				
31	02/12/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED				

30	10/09/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	08/01/2007	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
25	02/21/2008	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
24	02/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
23	02/21/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
22	02/12/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	10/09/2007	ELECTRONIC INFORMATION DISCLOSURE STATEMENT			
20	10/09/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
15	08/01/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
14	01/31/2007	REFERENCE CAPTURE ON IDS			
13.7	01/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
13	01/31/2007	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	09/13/2006	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
9	09/13/2006	CASE DOCKETED TO EXAMINER IN GAU			
8	08/14/2006	371 COMPLETION DATE			
7	09/06/2006	APPLICATION DISPATCHED FROM OIPE			
6	08/14/2006	ADDITIONAL APPLICATION FILING FEES			
5	08/14/2006	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			

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#### EXPLANATION OF PTA CALCULATION

#### EXPLANATION OF PTE CALCULATION

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